

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 00-62730r Huck

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document
has been scanned and is
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DE# 727
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United States District Court
Southern District of Florida
case no. 00-6273-CR-Huck

United States of America
Plaintiff

v.

Ariel A. Hernandez
Defendant. 1

Motion to Hold Appellant Counsel Richard
Rosenbaum in Contempt.

comes now the Defendant in prose and
without the benefit of an attorney or knowledge
of law. and asks this Court to hold
Richard Rosenbaum in Contempt. Defendant
avers the following.

1. On November 29, 2005 Defendant received
a Order Granting his motion, Ordering
Appellant Counsel Richard Rosenbaum to turn
over all papers, CD's AND relevant papers.
This order was filed November 3, 2005

12/7/3

2. Counsel Richard Rosenbaum has never provided this Defendant with a copy of his response

3. This Court is giving this Defendant "Double Talk" example. It makes no sense to grant an Ordering of Appellant Counsel MR. Rosenbaum to turn over documents AND CDs, because it takes the word of MR. Rosenbaum or to grant a order because MR. Rosenbaum alleges he has already turn over all documents. My Question is Why Did The Court Grant The Motion. I Dont like my intelligence ~~in~~ insulted. MR Rosenbaum has NOT EVER in his life time even given me the specific documents I have requested AND to say otherwise is a lie.

4.

By Counsel not providing the requested documents AND this Court not asking what items were produced by MR. Rosenbaum This Defendants 28. U.S.C. 2255 motion is being sabotaged. The Courts failure lies in That it did not ask MR. Rosenbaum for a list of documents he claims to have turned over. AND had He provided this list

of factual papers AND C.D's. This Court would have seen my list of Documents Requested in the motion. AND could have compared the two AND come to the conclusion that MR. Rosenbaum has in fact, **NOT PROVIDED** this Defendant with his specific Request. AND Since this Court Ordered MR. Rosenbaum to turn over C.D's, documents AND All Relevant items sought by this Defendant AND has failed to do so, he is in Contempt of Court for.

A. Not Providing items Requested AND Ordered by this Court AND...

B. By not providing Factual Truthful Statements in his response.

5. Appellant Counsel has given bits AND pieces of the trial transcripts, but never a complete copy nor has he provided me with specific Requested items, because he is always hinting that money is needed for the copies I Am indigent. AND further more MR. Rosenbaum does not represent me in any way AND since his duty as Appellant counsel is over AND this Court refused to Appoint A Attorney to handle this Defendants 28 U.S.C. 2255 Motion. MR. Rosenbaum is Required to

To turn over Everything in his possession regarding my case. Since This Court has forced This Defendant to file a pro se 28 U.S.C. 2255. (I remind This Court That it can Appoint counsel to a Defendant seeking Relief on a 28 U.S.C. 2255 motion see 18 U.S.C. 3006A (1) H, I, (2)(B) This Court has informed This Defendant he must first file a 28 U.S.C. 2255 motion in order to have counsel Appointed. This appears No where in 18 U.S.C. 3006A. It Does state Counsel can be provided to Financially Eligible persons who is seeking Relief on a 2241, 2254 or 2255 motion. Defendant Asks This Court to Re consider it Ruling on This matter. And if I Am wrong I Ask The Court to show me IN The Federal Criminal Code AND Rules As to where I must first file a 28 U.S.C. 2255 motion to have Counsel Appointed.)

- 6 The Items This Defendant needs ARE NOW Listed ~~are~~ ARE C.D.s'
- A) Opening ~~and~~ AND Closing Arguments
 - B) Sentencing transcripts from April 2002 AND July / September 2002
 - C) Property Receipts for SEARCH WARRANTS

items seized By F.B.I. AND B.S.O
At The following Locations.

1. Mike Falco's House
2. Freddy Massano's House
3. Oasi's Truck Stop.
4. Liberty Storage.
5. MASSAROS Storage Company

Therefore Defendant ask This Court to Hold
MR. Rosenbaum in Contempt until he
provides the requested items, CD's, and
documents listed in This Motion. AND to
Allow Defendant to file A 28 U.S.C. 2255
out of time (specifically 2 months After
Appellant Counsel turns over The Requested
documents) which will Aid in The filing
of A 28 U.S.C. 2255 motion

by 

certificate of Service

A copy of The foregoing was sent by U.S
Mail on November 30, 2005 to.

Richard Rosenbaum ESQ

Lisa Hirsch Assistant U.S. Attorney.

by Ariel A. Hernandez
#09-61011
T.G.K.
7000 N.W. 41st
Miami, Fla. 33166.